

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN LINVILLE,

Petitioner,

v.

GISELLE MATTESON,

Respondent.

No. 2:22-cv-0057 DJC AC P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 19, 2024, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 26. Neither party filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). The Court has reviewed the file and finds the findings and

1 recommendations to be supported by the record and by the Magistrate Judge's  
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (ECF No. 26) are adopted;  
5 2. The petition for writ of habeas corpus is denied;  
6 3. The Court declines to issue the certificate of appealability referenced in 28  
7 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a  
8 constitutional right, see 28 U.S.C. § 2253(c)(2); and  
9 4. The Clerk of the Court is directed to close this case.

10  
11 IT IS SO ORDERED.

12 Dated: **January 17, 2025**

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE